

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY UNSELD WASHINGTON,)	
)	Civil Action No. 11 - 1046
Plaintiff,)	
)	District Judge Terrence F. McVerry
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
LOUIS S. FOLINO, <i>et al.</i> ,)	ECF No. 210
)	
Defendants.)	

MEMORANDUM ORDER

Pending before the Court is Plaintiff's (Second) Motion to Amend Amended Complaint. The court has been trying to work with Plaintiff to get this case to a point where it can proceed. Following an Order of Court, Plaintiff filed an Amended Complaint on August 23, 2013. However, the Amended Complaint is still difficult to comprehend and not likely to survive the pending motions to dismiss. On January 2, 2014 Plaintiff filed a Motion to Amend Amended Complaint which the Court denied for the reasons set forth in an Order dated January 10, 2014 at ECF No. 208.

This (second) Motion to Amend Complaint unfortunately must also be denied. The Court was heartened by Plaintiff's last attempt; however this proposed Second Amended Complaint contains all of the problems first presented. It is 164 pages long, appears to be more complicated than the proposed Second Amended Complaint which was stricken via Report and Recommendation on February 28, 2013, and is equally not in compliance with the federal rules¹.

¹ It is also written in very small printing that is very difficult to read and the Court specifically asked Plaintiff in its text order of January 27, 2014 to print larger as his pleadings were difficult to read.

The Court incorporates its Report and Recommendation dated February 28, 2013 as its reason for denying the present motion.

Despite the Court's repeated attempts to assist and even educate Plaintiff as to how to draft a complaint that is in compliance with the rules, and asking a clinic at the University of Pittsburgh School of Law to assist him, it appears that he is unwilling to follow that advice.

It is this court's opinion that the proposed amendment will not address any of the issues raised in the pending motions. Given past history, it is futile to allow additional amendments and the Court will rule on the motions pending before it. Therefore,

IT IS HEREBY ORDERED that Plaintiff's (second) Motion to Amend (ECF No. 210) is **DENIED**.

AND IT IS FURTHER ORDERED that, pursuant to Rule 72.C.2 of the Local Rules of Court, Plaintiff is allowed fourteen (14) days from the date of this order to appeal this order to a District Judge. Failure to appeal within fourteen (14) days will constitute waiver of the right to appeal.

Dated: February 18, 2014

A handwritten signature in black ink, appearing to read 'Lisa P. Lenihan', written over a horizontal line.

Lisa Pupo Lenihan
Chief United States Magistrate Judge

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